

### **R E M A R K S**

Careful review and examination of the subject application are noted and appreciated.

### **SUPPORT FOR CLAIM AMENDMENTS**

Support for the amendments to claims 48, 51, 62, 75, and 81, and for new claims 86-95, can be found at FIG. 1. No new matter has been added.

### **CLAIM OBJECTIONS**

The objection to claims 48 and 62 has been obviated by amendment and should be withdrawn. The changes have been amended to incorporate the Examiner's suggestion.

### **DOUBLE PATENTING**

The rejection of claims 48, 50-52, 54-59, 61, 75-79, and 81-84 under the judicially created doctrine of obviousness-type double patenting has been obviated by the attached terminal disclaimer and should be withdrawn.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §112**

The rejection of claims 75 and 81 under 35 U.S.C. §112, second paragraph, has been obviated by amendment and should be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. §102**

The rejection of claims 75-76, and 81-82 under 35 U.S.C. §102(e) as being anticipated by Brown (US Patent No. 5,307,263) has been obviated by appropriate amendment and should be withdrawn.

Claims 75-76 and 81-82, as amended, are allowable over Brown, because Brown does not disclose each and every element of any of these amended claims. Specifically, each of amended Claims 75-76 and 81-82 includes an electrically isolating interface device coupled to a processor. Therefore, claims 75-76 and 81-82 are fully patentable and the rejection should be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 48, 50-52, 54-56, 60, 62, 64-65, 67-69, and 73 under 35 U.S.C. §103(a) as being unpatentable over Beckers (US Patent No. 5,019,974) in view of James et al. (US Patent No. 4,110,918) has been obviated by amendment and should be withdrawn.

The rejection of claims 48, 51-52, 57, and 59-60 under 35 U.S.C. §103(a) as being unpatentable over Brown (US Patent No. 5,307,263) in view of James et al. (US Patent No. 4,110,918) has been obviated by amendment and should be withdrawn.

It is respectfully submitted that each of claims 48, 50-52, 54-56, 60, 62, 64, 65, 67-69, and 73, as amended, is allowable over the combination of Beckers and James et al., because this

combination of references does not teach or suggest each and every element of any of these amended claims. Specifically, each of the amended system and apparatus claims now includes a glucose monitor that is configured to operate while being physically separated from a processor and outside of a housing containing the processor. In addition, the claimed electrically isolating interface device is neither entirely disposed within the housing containing the processor nor any housing containing the glucose monitor. Further, the claimed electrically isolating interface device includes more than approximately a quarter of a physical distance separating the physiological data monitor and the housing of the processor. The method claims include similar limitations, and specifically that electrical isolating occurs in more than approximately a quarter of a physical distance separating the physiological data monitor and the housing of the processor.

The Examiner concedes that Beckers does not disclose the claimed system and apparatus including an electrical isolating interface or method including electrical isolating, as presently claimed. An opto-isolator 38 of James et al. is disclosed at column 3, lines 5-13 and Figure 2. Figures 1 and 5 of James et al. illustrate the general theme of James et al. which is drawn to self-contained modular units 10. Figures 2 and 3 of James et al. specifically show that both an opto-isolator 38 and a meter 20 are contained together within each modular unit 10. Thus, the opto-

isolator 38 of James is contained within a housing containing a meter, contra to the claimed invention. Moreover, neither James et al. nor Beckers teaches or suggests an electrically isolating interface that includes more than a quarter of a physical distance separating the meter and processor, as presently claimed. Therefore, claims 48, 50-52, 54-56, 60, 62, 64, 65, 67-69, and 73 are fully patentable over the cited references and the rejection should be withdrawn.

It is respectfully submitted that each of claims 48, 51-52, 57, and 59-60, as amended, is allowable over the combination of Brown and James et al., because this combination of references does not teach or suggest each and every element of any of these amended claims. Specifically, each of the system and apparatus claims of these amended claims includes a glucose monitor that is configured to operate while being physically separated from a processor and outside of a housing containing the processor. In addition, the claimed electrically isolating interface device is neither entirely disposed within the housing containing the processor nor any housing containing the glucose monitor. Further, the claimed electrically isolating interface device includes more than approximately a quarter of a physical distance separating the physiological data monitor and the housing of the processor. The method claims include similar limitations, and specifically that electrical isolating occurs in more than approximately a quarter of

a physical distance separating the physiological data monitor and the housing of the processor.

The Examiner concedes that Brown does not disclose the claimed system and apparatus including an electrical isolating interface or method including electrical isolating, as recited above. An opto-isolator 38 of James et al. is disclosed at column 3, lines 5-13 and Figure 2. Figures 1 and 5 of James et al. illustrate the general theme of James et al., which is drawn to self-contained modular units 10. Figures 2 and 3 of James specifically show that both an opto-isolator 38 and meter 20 are contained within each modular unit 10. Thus, the opto-isolator 38 of James is contained within a housing containing a meter, contra to the claimed invention. Moreover, neither James et al. nor Brown teaches or suggests an electrically isolating interface that includes more than a quarter of a physical distance separating the meter and processor, as presently claimed. Therefore, 48, 51-52, 57, and 59-60 are fully patentable over the cited references and the rejection should be withdrawn.

Claims 57-59, 61, 70-72, 74, 77-78, and 83 depend, either directly or indirectly, from claims 48, 51, 62, 75, and 81 which are now believed to be allowable.

Newly presented claims 86-95 are independently patentable. Each of claims 86, 88, 90, 92 and 94 is allowable, because none of the relied upon references teaches or suggests an

electrically isolating interface or electrical isolating including at least approximately a third of a physical distance separating a physiological data monitor and a housing of a processor. Each of claims 87, 89, 91, 93 and 95 is allowable, because none of the relied upon references teaches or suggests an electrically isolating interface or electrical isolating including at least approximately a half of a physical distance separating a physiological data monitor and a housing of a processor.

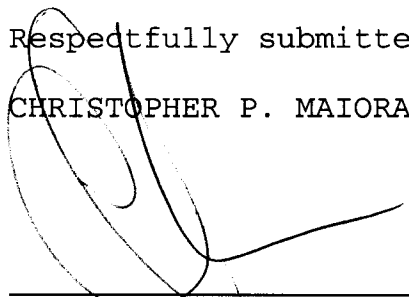
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit  
Account No. 50-0541.

Respectfully submitted,

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Health Hero Network

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